

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Michel Sadelain et al. Confirmation No. 3724

U.S. Serial No. 09/872,832

Examiner: G.R. Ewoldt, Ph.D.

Filed: June 01, 2001

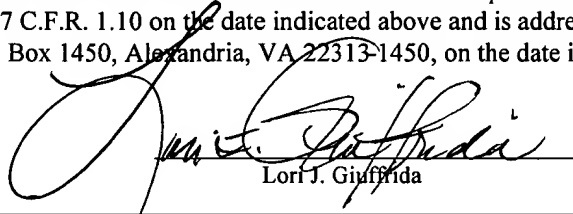
Group Art Unit: 1644

For: ARTIFICIAL ANTIGEN PRESENTING CELLS AND METHODS OF USE
THEREOF

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this Amendment is being deposited with the United States Postal Service "Express Mail Service to Addressee" Label No. EV307814440US under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Date: November 24, 2004



Lori J. Giuffrida

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.131

Sir:

WE, MICHEL SADELAIN AND JEAN BAPTISTE LATOUCHE STATE THAT:

1. We are the co-inventors of the subject matter described and claimed in the present patent application.

2. A journal article entitled "Induction of Human Cytotoxic T Lymphocytes by Artificial Antigen-Presenting Cells" Nature Biotechnology, April 2000, Vol. 18, Pg. 405-409 (hereinafter "Latouche et al"), names two authors: Michel Sadelain and Jean-Baptiste Latouche. As stated above, the co-inventors of the subject matter described and claimed in the present invention are Michel Sadelain and Jean-Baptiste Latouche. Thus, the authors of Latouche et al. are not "others" as defined by 35 U.S.C. § 102(a) as to the inventive entity of this application, as all of the inventors are named authors of Latouche et al.

3. Any work reported in Latouche et al., particularly work that may be common to the present application, was performed by or under the direction, supervision or control of the inventors Michel Sadelain and Jean-Baptiste Latouche on the present application.

4. Thus, we are advised and therefore believe that since we, the authors of Latouche et al., are not "others" as to the present inventive entity, this document is not available as a reference against the present patent application. We thus respectfully request that rejections based on this document be reconsidered and withdrawn.

Attorney Ref. No. 51590.62071

PATENT

5. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true and, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present application or any patent issued thereon.

Date:

Nov 15, 2004


MICHEL SADELAINE

Date:

JEAN-BAPTISTE LATOUCHE

BEST AVAILABLE COPY

Attorney Ref. No. 51590.62071

PATENT

5. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present application or any patent issued thereon.

Date: _____

Date: 11.15.04

MICHEAL SADELAIN

JEAN-BAPTISTE LATOUCHE